

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, DECEMBER 5, 2006

Present: Ald. Mansfield (Chair), Fischman (Vice-Chair), Merrill, Albright, Hess-Mahan, Harney, Samuelson, and Vance. Alderman Fischman chaired the meeting.

City Staff: Nancy Radzevich (Chief Planner), and Ouida Young (Associate City Solicitor)

#306-05(2) REQUEST FOR A ONE-YEAR EXTENSION OF TIME to EXERCISE SPECIAL PERMIT #306-05 granted to BRAE BURN COUNTRY CLUB for the expansion of a cart barn, pool house and paddle court and construction of a new maintenance facility at 326 FULLER STREET and filed in the office of the City Clerk December 5, 2005. Ref: Sec 30-24(c) (4) of the City of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 6-0 (Mansfield and Samuelson not voting)

NOTE: Jason Rosenberg spoke on behalf of the requestor. He indicated that the project was in two parts. The maintenance facility was put on hold due to a failure of a pond which required the site for the facility to be used for materials storage. This reconstruction of the pond lost them 9 months of time. This is why they are requesting the one-year extension.

Ald. Fischman asked what threshold for substantial progress you feel you haven't made. Mr. Rosenberg explained that they have only had the opportunity to do the site work. There are no foundations or any portion of the superstructure at this time. Ald. Fischman asked if by granting the extension there would be any negative impact on the abutters. Mr. Rosenberg stated that there would not.

The Committee took up a Consistency Ruling on #17-01(4) a petition that was granted in May of 2001 for the construction of a single family home at 91 Winston Road. The site plan that we were reviewing at the time involved changes in landscaping, retaining walls, and a shortened driveway. Nancy Radzevich stated that this was a special permit that was approved in 2001 with an extension in 2002 which expired and the applicant refiled the petition in April 2004. We are looking at the permit that was approved in April 2004. There have been a number of small changes to the site plan. First, the rear lot subdivision driveway length has been reduced. The approved plan included a retaining wall that ran along the property line because of the grade changes. The petition instead is using the ledge as the retaining wall and the City engineer is fine with that and this will eliminate additional blasting. Ald. Hess-Mahan asked what the height of the ledge was and if the fence would remain? Nancy responded that it was about 6 feet and that the fence belonged to 91 Winston. Nancy stated that the third change was that stairs had been incorporated in a lower retaining wall to get to a deck which was not on the original plan. The final change was that the petitioner increased

the number of landscape plantings in a specific area to provide much more screening than had originally been proposed.

Ald. Fischman asked if these changes had been communicated to the neighbors. The petitioner responded that they did. Nancy Radzevich indicated that they are pretty close to finishing the work on the site. In all cases it is improving the site plan and does not effect the zoning calculations. The Committee did not raise any objections to the plans consistency with the prior approval.

#324-06 DANCE FEVER, INC/RJ WELLS MANAGEMENT, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for-profit dance school including a free-standing sign and waivers from interior landscaping of parking areas, lighting of same, driveway width; minimum width of maneuvering aisle(s); and parking setback(s) at 200 WELLS AVENUE, Ward 8, on land known as Sec 84, Blk 34A, Lot 2, containing approx 87,120 sf of land in a district zoned LIMITED MANUFACTURING. Ref: Board Order #188-79; Sec. 30-24(d) , 30-23, 30-20(f)(9), (1), 30-19(d)(11), (13), (16), 30-19(h)(1), (2)e, (3), 30-19(i)(1)A(i), (2), 30-19(j)(1), (2)e, 30-19(m) and 30-5(b) of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 8-0

NOTE: This item and the next were discussed together. See notes below.

#325-06 THE RUSSIAN SCHOOL OF MATHEMATICS/RJ WELLS MANAGEMENT, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for-profit mathematics school including a free-standing sign and waivers from interior landscaping of parking areas, lighting of same, driveway width; minimum width of maneuvering aisle(s); and parking setback(s) at 200 WELLS AVENUE, Ward 8, on land known as Sec 84, Blk 34A, Lot 2, containing approx 87,120 sf of land in a district zoned LIMITED MANUFACTURING. Ref: Board Order #188-79; Sec. 30-24(d), 30-23, 30-20(f)(9), (1), 30-19(d)(11), (13), (16), 30-19(h)(1), (2)e, (3), 30-19(i)(1)a(i), (2), 30-19(j)(1), (2)e, 30-19(m) and 30-5(b) of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 8-0

NOTE: Ald. Fischman noted that there were attachments from the Urban Design Beautification Commission, two letters regarding the number of students at the Russian School and Dance Fever, and a letter from the petitioner's council providing more information on the drop off and pick up of students. Finally a memo from Nina Wang dated November 8 regarding traffic considerations.

The public hearing was held on October 10 and there were many supporters of the Russian School and no one in opposition. Nancy Radzevich explained that the permit was for two for-profit schools, including waivers to the parking requirements in terms of dimensions and number, and for signage.

Parking

The petitioners will be making the parking stalls more compliant and adding handicap spaces including some designated areas for fire access in Lot A. They will also be making changes in Lot B. The Parking Waiver is because of the combined uses in the building, - schools and offices. The signage waiver is for two free standing signs. One that will list the tenants and one that will designate one of the two lots for use of the Russian School students. The Parking Waiver is the differential of 12 spaces, from 74 to 62. Nancy stated that parents would come into the lots, park and then leave; the topography of the lots does not allow for drive in and drop off.

Ald. Vance asked why it was determined that 74 spaces were needed for this building. Nancy stated that it was based on the maximum number of students and using the ordinance requirements for office space. What would be the operational consequences of having 12 less spaces? Nancy stated that there was a credit included for the previous use of the building. Ald. Fischman stated that the traffic planner (in her memorandum) indicated that she did not know exactly how many spaces will be needed and that is perhaps why there is a request for a follow up traffic study. Nancy stated that because of the evening use of Dance Fever, which will occur after the close of the business day and after the office employees will be gone, there could be less spaces needed.

Ald Samuelson asked if there are enough spaces for the office staff now. Nancy said it was hard to determine because the nearby DHL operation is using the site and this will end when the school goes in. The petitioner stated that they had worked with planners and the staff of the school to design the scheduling to address the parking. He stated that there was no need to have more than 60 spaces. The calculations that were used by the city were for 100 students, which is above their current enrollment. In reconfiguring the parking lots to be in compliance with handicap requirements and current standards, they had to give up 10 spaces which bring them to the 62 available, which is above the number they have calculated as needing. Ald. Vance asked if this parking included the business use. The petitioner responded that it did. Employee parking for the two-schools is included in the parking calculations.

Ald. Mansfield stated that the petitioner owns the building and the Committee could make a condition of office use to control parking. Ouida stated that timing may be the problem here and that a restriction on time of use, rather than type of use may be more appropriate. There is a finite amount of parking that must be shared.

Ald. Albright had a question on drop off and safety. Nancy stated that one of the conditions made was that the school makes the parents aware of the parking situation. Nancy stated that a staggered start time of classes will allow cars to come

in, park, drop off and leave. Ald. Vance asked what if the parents stayed; the lot would be full quickly. There is no way to have a drop off on Wells Avenue because of the parking restrictions on that side and that there is parking on the opposite side of the street. If parents stop on Wells, they will block traffic. Nancy stated that as one of the conditions it could be stipulated that parents must drop off and not stay. Ald. Hess-Mahan asked that the condition that there be signage to state there is only 15 minute parking in Lot B be added. Long term parking will be in Lot A.

Nancy stated that there were several entry points to the building, an entry from Lot B on the north side, and two entries from Lot A. Ald. Samuelson asked what the access to the building was from Parking Lot A. Nancy responded that there were sidewalks to the building.

Ald. Fischman asked about site line issues for the parking lot entrances. Nancy responded that the Asst. Traffic Engineer is recommending the use of parabolic mirrors to see around the curve in the road and that the petitioners have agreed to their installation and the traffic engineer will help in the installation. Nancy also stated that some of the landscaping will be pulled back to help address the site line issues. The mirror will help those exiting to see up the curve in the road.

Ald. Samuelson asked if the parking drop off and pick up activity of the school would be better handled in the other lot. The petitioner provided information on the scheduling and stated that classes are two hours long. Ouida suggested that editing the drop off and pick up plan may be what needs to be done at this point.

Ald. Samuelson stated that limiting the second story office space to not take up all the spaces in Lot A is critical. She supports the time limited parking idea, but would also like to see a cap on use. Ald. Hess-Mahan stated that he was comfortable with the plan subject to limiting parking in Lot B to 15 minutes.

Ald. Harney asked if the petitioner can assign spaces to the office tenants. Nancy stated that the Committee would have to include that in the conditions.

Nancy stated that signage for hidden driveway was included which the petitioner has agreed to do.

Nancy reported that David Koses is comfortable with the information submitted to date on the school year set-up/scheduling. He is not comfortable as yet with the summer camp because it is daytime and he does not have the data. Planning has drafted a condition to say that the summer camp could not happen unless the petitioner can identify the impact on the site and that there is sufficient parking for the students. Ald. Fischman said that we could put this aside until there is

information from the petitioner. The petitioner is comfortable with the condition and will work with David Koses to get the data.

The Special Permit would have the condition that things can be tweaked after the study. Ouida Young indicated that the special permit would expire if the use changes in the future.

Nancy talked about how the schedule has been developed and all the work that has been done. She suggested that the schedule that they have developed be part of the Special Permit. Ald. Hess-Mahan asked that if that schedule is found to be part of the problem, can it be adjusted. Ouida responded that the condition could be written that would allow some tweaking.

Ald Mansfield asked if the post study identifies that there is a problem, can the parking lots be connected. That could be an item identified. Ouida stated that you want to be comfortable that it can work before you approve.

The Fire Department wants to make sure they have access in and out of the site. There needs to be included a condition that the site plans be amended to add the requested Fire Department walkway. Lighting along the walkways will also be needed and the petitioner will add bollard lighting along the walkways to bring the light levels up.

Signs

The signs included in the report are the ones that met with approval from the Urban Beautification Committee: a large sign identifying the companies in the building and a smaller sign in the parking lot. The signs need to be done so that there are not site distance issues. The signs included a note that they will be externally illuminated. They do need to be lit because the schools will be used at night, but a condition should be that they are lit so that there is no upward illumination as required by our lighting ordinance.

Ouida reminded the committee that a vote to approve the site plan is also a vote to modification of the deed restriction (related to the overall Wells Avenue development) for the signage. This will be an amendment to the specific lot and for this one sign. The restriction will be recorded at the registry and the city will hold the restriction.

Nancy requested a condition that directional signage be installed before occupancy.

Ald Fischman suggested a finding that there be no adverse impact on traffic flow on Wells Avenue and Nahanton Street.

Ald. Merrill moved approval and the permit was reviewed to include the conditions discussed.

Respectfully submitted,
Mitchell L. Fischman, Vice-Chair